

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States District Court
Southern District of Texas
FILED

MAY 13 2021

United States of America
v.
Cuahutemoc MENDOZA-Alcasar
YOB: 1984 - COB: MexicoCase No. 7:21mj1035-1
Nathan Ochsner, Clerk

Defendant

CRIMINAL COMPLAINT

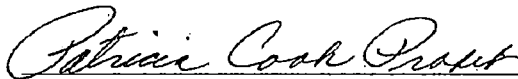
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 05/12/2021 in the county of Hidalgo in the Southern District of Texas, the defendant violated Title 18 U. S. C. § Section 922g(5)(A), an offense described as follows:

It is illegal for any person, namely an illegal alien who is unlawfully in the United States to illegally possess a firearm and ammunition: to wit one Romarm, model SAR1, 7.62x39 caliber rifle, bearing serial number S1-21229-2000 that has previously traveled in and affected interstate commerce.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

☒ Continued on the attached sheet.★ Approved: Patricia Cook Profit, AUSA
Date: 5/13/2021

Complainant's signature

Michael Cardenas ATF Senior Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 5/13/2021 @ 8:59amCity and state: McAllen, TX

Judge's signature

Honorable J. Scott Hacker U.S. Magistrate Judge

Printed name and title

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ATTACHMENT A

This affidavit is in support of the criminal complaint charging Cuahutemoc MENDOZA-Alcasar (hereinafter referred to as "MENDOZA-Alcasar"), with the criminal violation set forth in Attachment A. The evidence available to me demonstrates that there is probable cause to believe that MENDOZA-Alcasar has violated Title 18 U.S.C 922(g)(5)(A) which provides as follows: It should be unlawful for any person who, being an alien is illegally or unlawfully in the United States who illegally possessed a firearm and or ammunition that had previously traveled in and affected interstate commerce.

Further, the affiant states as follows:

On May 12, 2021, your affiant was informed that during a traffic stop in McAllen, TX, MENDOZA-Alcasar had given DEA Agents consent to search his residence in Edcouch, TX. Your affiant was advised that MENDOZA-Alcasar had advised DEA Agents that he was an undocumented alien and that he had an AK-47 rifle that belonged to him in his black in color trailer home. Your affiant was advised by DEA Agents that MENDOZA-Alcasar stated he had the firearm to protect his property since he had recently had building material stolen from his residence. Your affiant advised DEA Agents that he would be in route to assist with the consent to search. A search of MENDOZA-Alcasar's trailer home revealed one Romarm, model SAR1, 7.62x39 caliber rifle, bearing serial number S1-21229-2000. The magazine attached to the rifle was found loaded with several rounds of 7.62x39 caliber ammunition.

Records checks by Customs and Border Protection revealed that MENDOZA-Alcasar was an undocumented alien whom had been previously deported.

Your affiant spoke with ATF Special Agent Adrian Cavanaugh, who is a recognized expert in the interstate and foreign commerce travel of firearms and ammunition. SA Cavanaugh conducted a preliminary examination of the aforementioned firearm and determined that the Romarm, model SAR1, 7.62x39 caliber rifle was manufactured outside the State of Texas. Therefore, the firearm had previously traveled in interstate or foreign commerce at some point prior to being possessed by any person in the State of Texas.

Based on the above information, MENDOZA-Alcasar was in possession of the Romarm, model SAR1, 7.62x39 caliber rifle in violation of Title 18, United States Code, Section 922(g)(5)(A).